

R00A01
Headquarters
Maryland State Department of Education

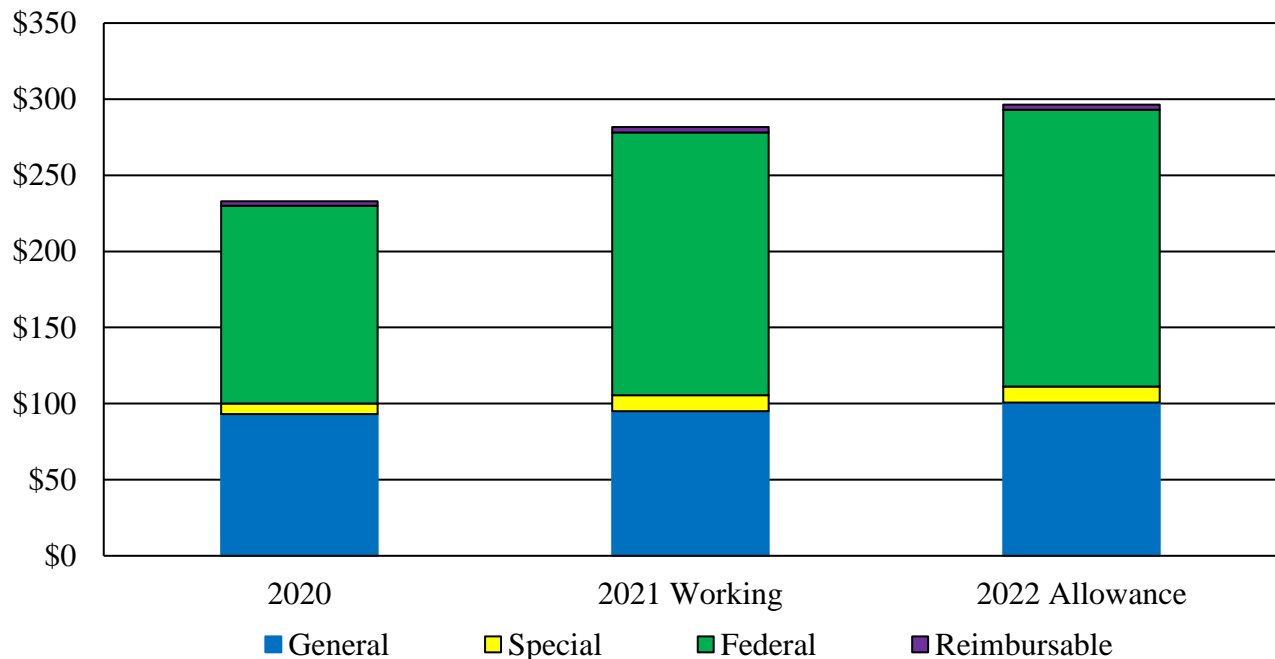
Executive Summary

The Maryland State Department of Education (MSDE) develops and implements standards and policy for education programs across the State. The State Board of Education serves as the governing board for MSDE and appoints the State Superintendent of Schools as the head of the agency.

This analysis includes information on the Maryland Longitudinal Data System Center (R00A05) and the Office of the Inspector General (R00A08). The Children's Cabinet Interagency Fund (R00A04), the Center for School Safety (R00A06), the Interagency Commission on School Construction (R00A07), and the Maryland School for the Deaf (MSD) (R99E) have separate analyses. MSDE Headquarters Division of Early Childhood Development is included in the analysis for the Division of Early Childhood (R00A99). Information on the Maryland School for the Blind (MSB) is in Funding for Educational Organizations analysis (R00A03).

Operating Budget Summary

Fiscal 2022 Budget Increases \$16.4 Million, or 5.8%, to \$299.0 Million
(\$ in Millions)



Note: The fiscal 2021 appropriation includes deficiencies, planned reversions, and a general salary increase. The fiscal 2022 allowance includes contingent reductions and annualization of the fiscal 2021 general salary increase.

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Key Observations

- ***MSDE Distributes Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds.*** As part of the CARES Act federal relief package, MSDE distributed \$453.5 million in grants to local school systems, the SEED school, MSB, and MSD for expenses related the COVID-19 pandemic. These funds were distributed through the Elementary and Secondary School Emergency Relief Fund; the Coronavirus Relief Fund; and the Governor’s Emergency Education Relief Fund.
- ***Digital Learning Stakeholder Committee Provides Virtual Learning Guidance:*** With the closure of schools due to the COVID-19 pandemic, local school systems (LSS) moved to remote learning to continue instruction. To assist LSS in providing professional development and best practices on remote learning, MSDE’s Office of Teaching and Learning and the Digital Learning Stakeholder Committee held regular meetings and offered updated information and guidance.
- ***Maryland Comprehensive Assessment Program (MCAP) Assessments Delayed but Funds Renewed:*** Due to COVID-19 school closures, LSS did not administer the first year of MCAP assessments. In the Board of Public Works cuts in July 2020, MSDE’s appropriation was reduced \$4.7 million in general funds designated for this purpose. In the fiscal 2022 budget, MSDE again receives funds, the full \$33 million, for MCAP assessments slated in spring 2021.

Operating Budget Recommended Actions

1. Adopt committee narrative on Maryland Comprehensive Assessment Program.
2. Adopt committee narrative on accounting practices.
3. Adopt committee narrative on remote learning report.
4. Adopt committee narrative on expenditures of the Coronavirus Aid, Relief, and Economic Security Act funds.

Budget Reconciliation and Financing Act Recommended Actions

1. Add a provision to transfer improperly encumbered funds identified in the fiscal 2020 closeout audit.

Updates

- In January 2021, MSDE and the Department of Information Technology (DoIT) submitted a report required by the 2020 *Joint Chairman's Report* on data security concerns found in a 2019 audit. This report found that DoIT and MSDE have made progress to remediate all four security issues identified in this audit.
- MSDE Office of the Inspector General's annual report indicates that the agency had 40 cases from March to December 2020. During this period, the agency closed 32 cases, with 8 cases remaining open.
- MSDE's Certification Branch is responsible for the issuance, renewal, reinstatement, endorsement, suspension, revocation, and maintenance of educator certificates. This branch is currently using an outdated educator information system to hold over 300,000 certification records. A replacement educator information system was recently reclassified as a Major Information Technology Project with an anticipated cost of \$2 million.
- MSDE's required Loaned Educator Report indicated that the agency is not currently utilizing loaned educators. Due to the phase-out of this program, in calendar 2020, the Department of Legislative Services released MSDE from this reporting requirement.

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Operating Budget Analysis

Program Description

Providing a free public education is a constitutional obligation of the State. Under the leadership of the State Superintendent of Schools and guidance from the Maryland State Board of Education (SBOE), the Maryland State Department of Education (MSDE) Headquarters develops and implements standards and policy for education programs from pre-kindergarten through high school. MSDE includes SBOE, the Office of the State Superintendent, the Office of the Deputy Superintendent for School Effectiveness, the Office of the Deputy Superintendent for Teaching and Learning, and the Office of the Deputy for Finance.

The Office of the State Superintendent provides overall direction and coordination of MSDE activities, support staff for SBOE, and administrative services.

The Office of the Deputy Superintendent for Finance includes the Division of Business Services and the Office of School and Community Nutrition Programs. This office also administers the Nonpublic Textbook Program, the Broadening Options and Opportunities for Students Today Program, the Nonpublic Aging Schools Program, and the State's federally funded child nutrition programs.

The Office of the Deputy Superintendent for Teaching and Learning includes the Division of Early Childhood; the Division of Early Intervention and Special Education Services; the Division of Curriculum, Instructional Improvement, and Professional Learning; the Division of Career and College Readiness; and the Division of Assessment, Accountability, and Information Technology (IT). This office supervises the Maryland Comprehensive Assessment Program (MCAP), the Pathways in Technology Early College High School Program, and Title I and school improvement. The Division of Early Childhood is covered in the R00A99 budget analysis.

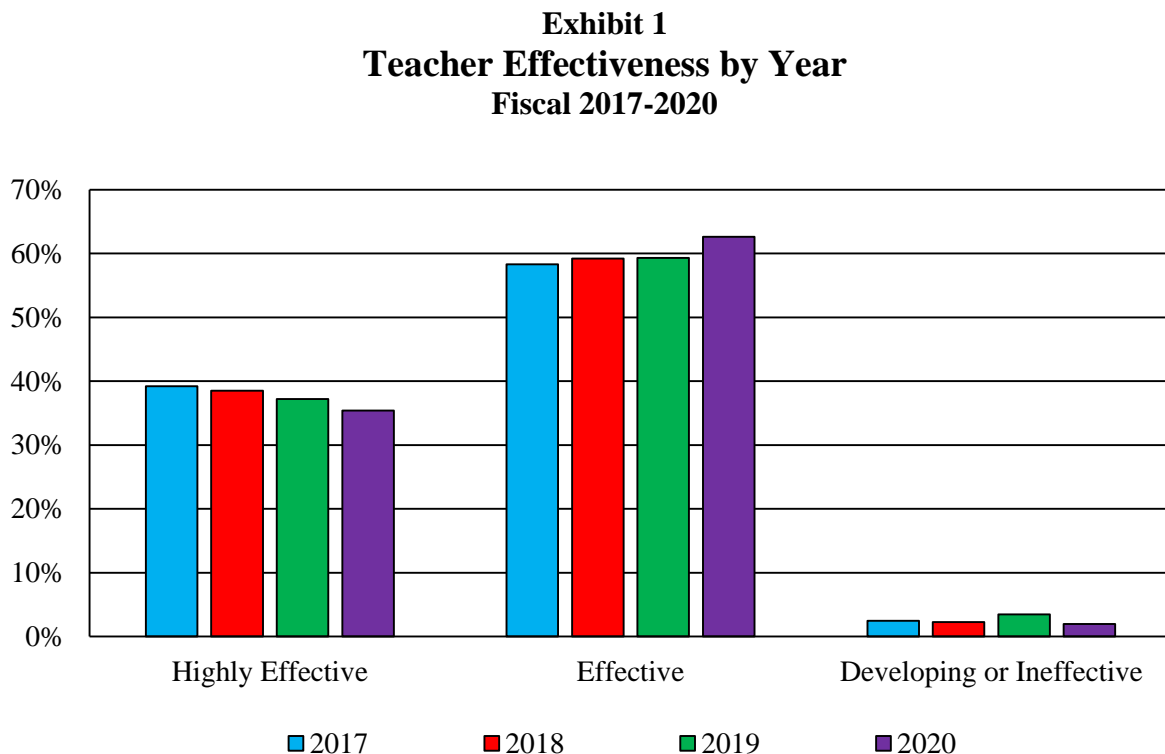
The Office of the Deputy Superintendent for School Effectiveness includes the Division of Student Support, Academic Enrichment, and Educational Policy; the Division of Rehabilitative Services (DORS); the Juvenile Services Education System (JSES); and the Division of Educator Certification and Program Approval. DORS Disability Determination Services (DDS) makes medical decisions about disability claims for Social Security Disability Insurance and Supplemental Security Income.

The Interagency Commission on School Construction (IAC), the Maryland Center for School Safety (MCSS), the Maryland Longitudinal Data System Center (MLDSC), and the Office of the Inspector General are independent agencies within MSDE. MLDSC houses State datasets and coordinates State research on PK-20 educational outcomes. The Office of the Inspector General provides accountability and transparency in the expenditure of public funds for education. Both of these agencies are covered in this analysis. IAC oversees State school construction and is covered in the R00A07 budget analysis. MCSS is responsible for State school safety programs and is covered in the R00A06 budget analysis.

Performance Analysis: Managing for Results

1. Teacher Effectiveness Remains Consistent

One of MSDE’s Managing for Results (MFR) performance goals is to increase the percent of teachers evaluated by local school systems (LSS) as highly effective or effective. From fiscal 2019 to 2020, teachers evaluated as highly effective decreased by 2%, from 37% to 35%; teachers evaluated as effective increased by 2%, from 61% to 63%; and teachers evaluated as developing or ineffective decreased from 4% to 2%. Since fiscal 2017, teachers rated highly effective decreased by 4%, while teachers rated effective increased by 5%. Despite this shift in percent of teachers rated highly effective to effective, the percent of Maryland teachers in these categories across all years remains at 98%. **Exhibit 1** displays teacher effectiveness results from fiscal 2017 to 2020.

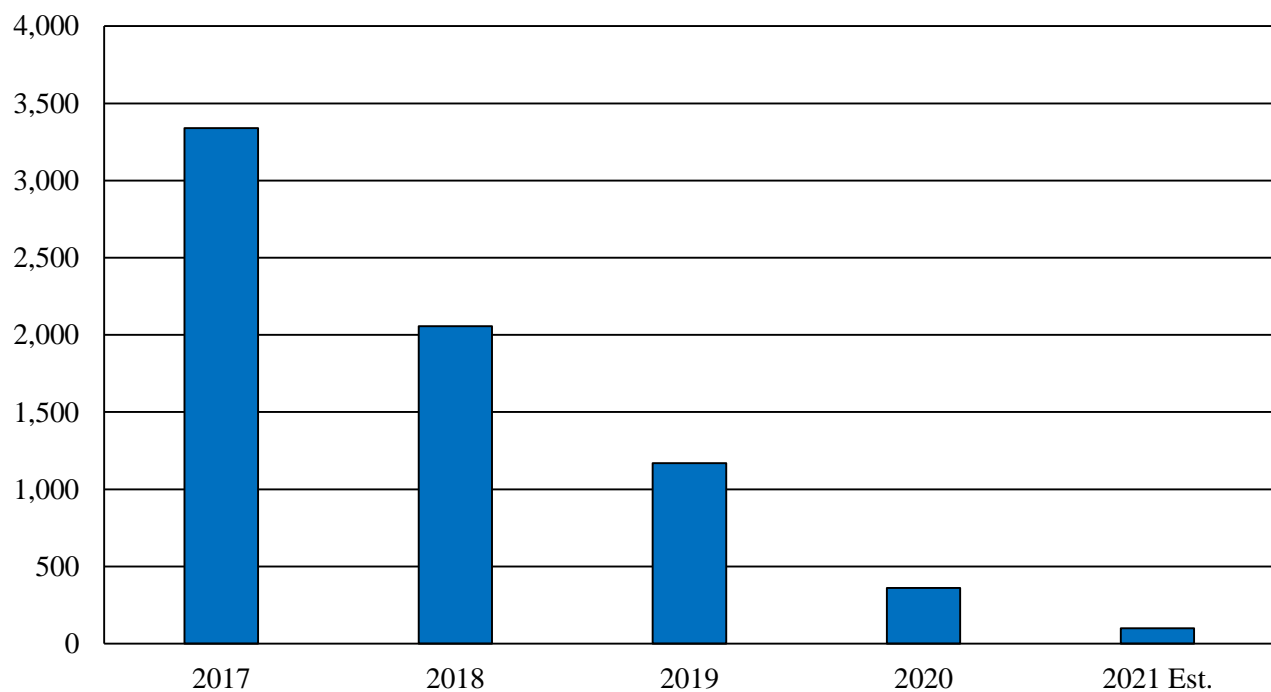


Source: Maryland State Department of Education

2. JSES Improves Classroom Hours Canceled Due to Unavailability of a Substitute Teacher

One of the JSES performance measures is to decrease the number of classroom hours canceled due to the lack of a substitute teacher. To solve this problem, JSES acquired contracts for substitutes and provided schools with support for vacancies during the school year to provide continuity of instruction. During COVID-19, JSES was able to create a virtual instruction model that enabled collaboration of teachers across facilities and reduced the amount of classroom hours canceled due to unavailability of a substitute teacher. **Exhibit 2** displays this data from fiscal 2017 to 2021.

Exhibit 2
JSES Classroom Hours Canceled
Fiscal 2017-2021



JSES: Juvenile Services Education System

Source: Maryland State Department of Education

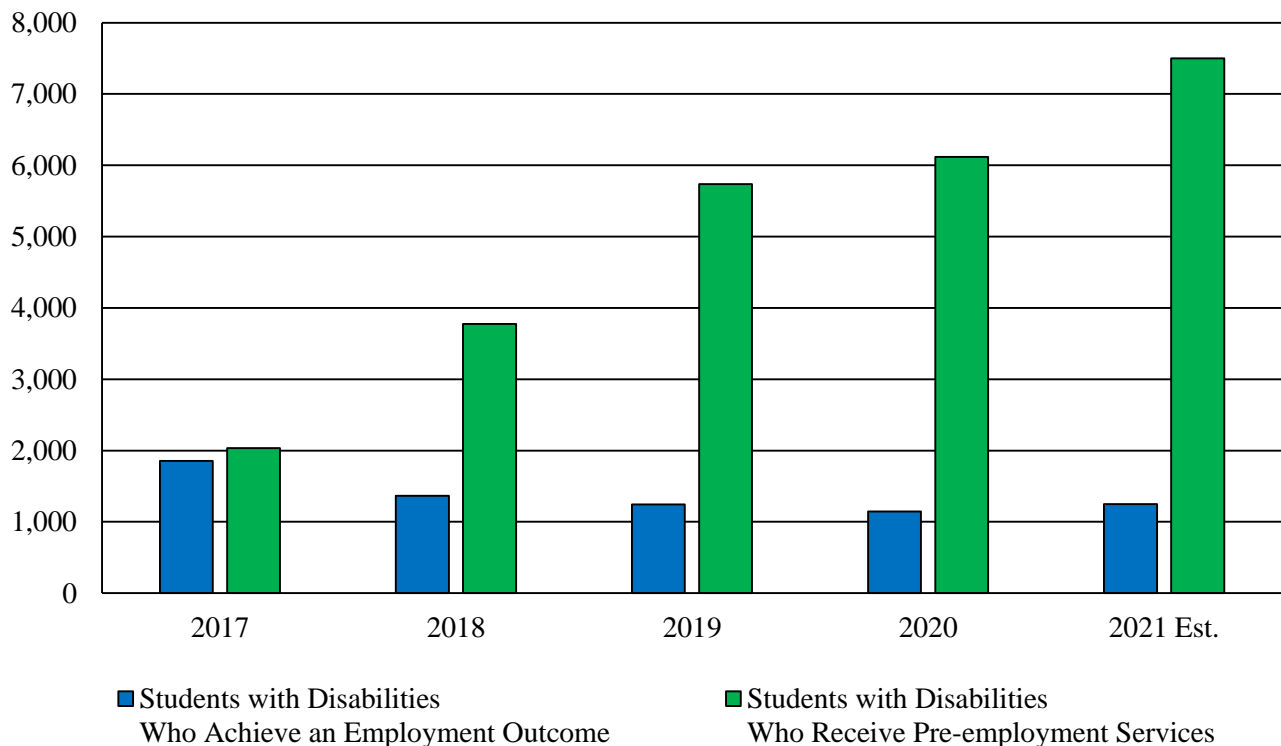
3. DORS MFR Adjusted to Reflect Pre-employment Transitioning Services

Due to changes in the Workforce Innovation and Opportunity Act (WIOA), DORS reported a steady decline in job placements over the last three years. In calendar 2020, the budget committees requested that MSDE report on reasons for this continued decline and review MFR performance goals

in light of WIOA changes. MSDE’s response noted that although two MFR measures reflect the current federal law, a third measure needed updating to reflect WIOA’s emphasis on pre-employment transition services. This new measure aligns with WIOA’s new requirement for DORS to provide pre-employment services.

It should be noted that WIOA’s definition of pre-employment services is very broad and, as such, this measure reflects the effort of DORS to offer these services to as many individuals as possible. On the other hand, WIOA’s definition of gainful employment has changed to reflect that an individual must not only acquire a position but maintain that employment status for at least 90 days, which is a more rigorous measure than in the prior law. The current MFR states that by June 30, 2021, DORS will help 1,350 people with disabilities obtain employment, as well as provide pre-employment transitioning services to 7,000 students with disabilities. **Exhibit 3** displays both of these measures.

Exhibit 3
DORS Pre-employment Transitions
Fiscal 2017-2021 Est.



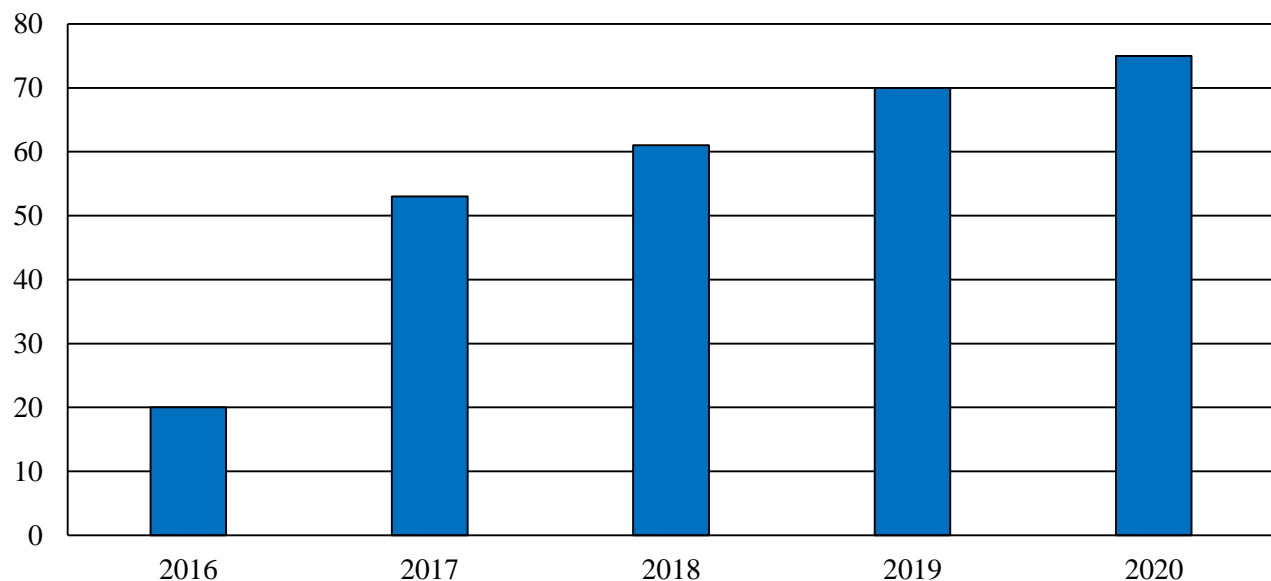
DORS: Division of Rehabilitative Services

Source: Maryland State Department of Education

4. MLDSC Continues to Add Dashboards

One of MLDSC’s MFR goals is to maintain and update a website that provides timely and relevant information about the agency’s work, along with relevant datasets and analyses. To meet this goal, the agency maintains and updates data dashboards, summaries, and analyses for the public, policymakers, and stakeholders. This MFR is updated with data from both fiscal 2019 and 2020, which indicates that the agency added 14 dashboards across these two years. **Exhibit 4** shows data from fiscal 2016 to 2020.

Exhibit 4
MLDSC Data Dashboards
Fiscal 2016-2020



MLDSC: Maryland Longitudinal Data System Center

Source: Maryland State Department of Education

Fiscal 2020

MSDE’s final spending for its headquarters’ units at the close of fiscal 2020 was 20%, or \$57.5 million, less than its legislative appropriation, closing out the fiscal year with \$232.7 million in expenses. Approximately \$7.6 million in general funds was reverted, primarily due to lower assessment costs. The department also canceled \$7.2 million in special funds, \$46.0 million in federal funds, and \$4.0 million in reimbursable funds. Although budget amendments in fiscal 2020 added \$3.5 million to MSDE’s administrative budget, there were significant delays in providing closeout information and

realignment of funds amendments. Additionally, issues identified with reversions and encumbrances in a 2019 audit resulted in the budget committees requesting that MSDE provide a report on its accounting practices in the 2020 *Joint Chairmen's Report*. The requested explanation for all fiscal 2020 encumbered and reverted funds for any amount that did not equal zero proved extremely helpful.

The Department of Legislative Services (DLS) recommends to the budget committees that MSDE submit a similar closeout report for fiscal 2021 by October 1, 2021. This report should include an explanation for encumbrances and reversions for all general, special, federal, and reimbursable funds for any amount that did not equal zero.

Fiscal 2021

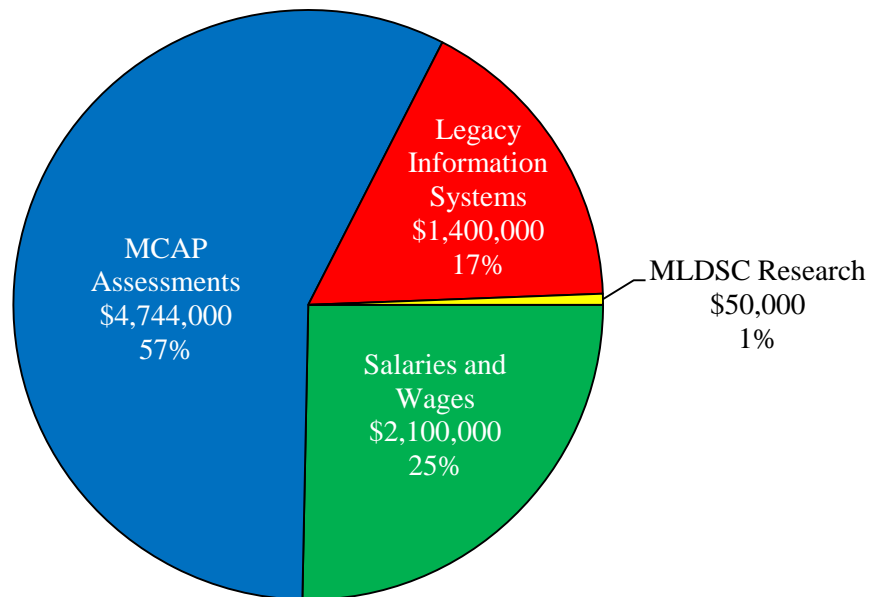
Deficiency Allocation

MSDE receives a \$1.6 million general fund deficiency allocation in fiscal 2021 for contracted services for ongoing litigation related to the *Bradford v. Maryland State Board of Education* lawsuit.

Cost Containment

Due to the financial strain caused by the COVID-19 pandemic, the Board of Public Works (BPW) approved fiscal 2021 reductions in July 2020. For MSDE Headquarters, these cuts included a reduction of 10 positions and \$2.1 million in salary and wages, as well as \$6.3 million for contractual services. Contractual services cuts included \$4.7 million for a contract to Educational Testing Services for MCAP assessments that were not administered in spring 2020 due to COVID-19, \$1.4 million for a contract maintaining legacy information systems, and \$50,000 for a research contract at MLDSC. General fund reductions totaled approximately \$8.2 million. **Exhibit 5** provides details of these reductions.

Exhibit 5
Board of Public Works Reductions
Fiscal 2021



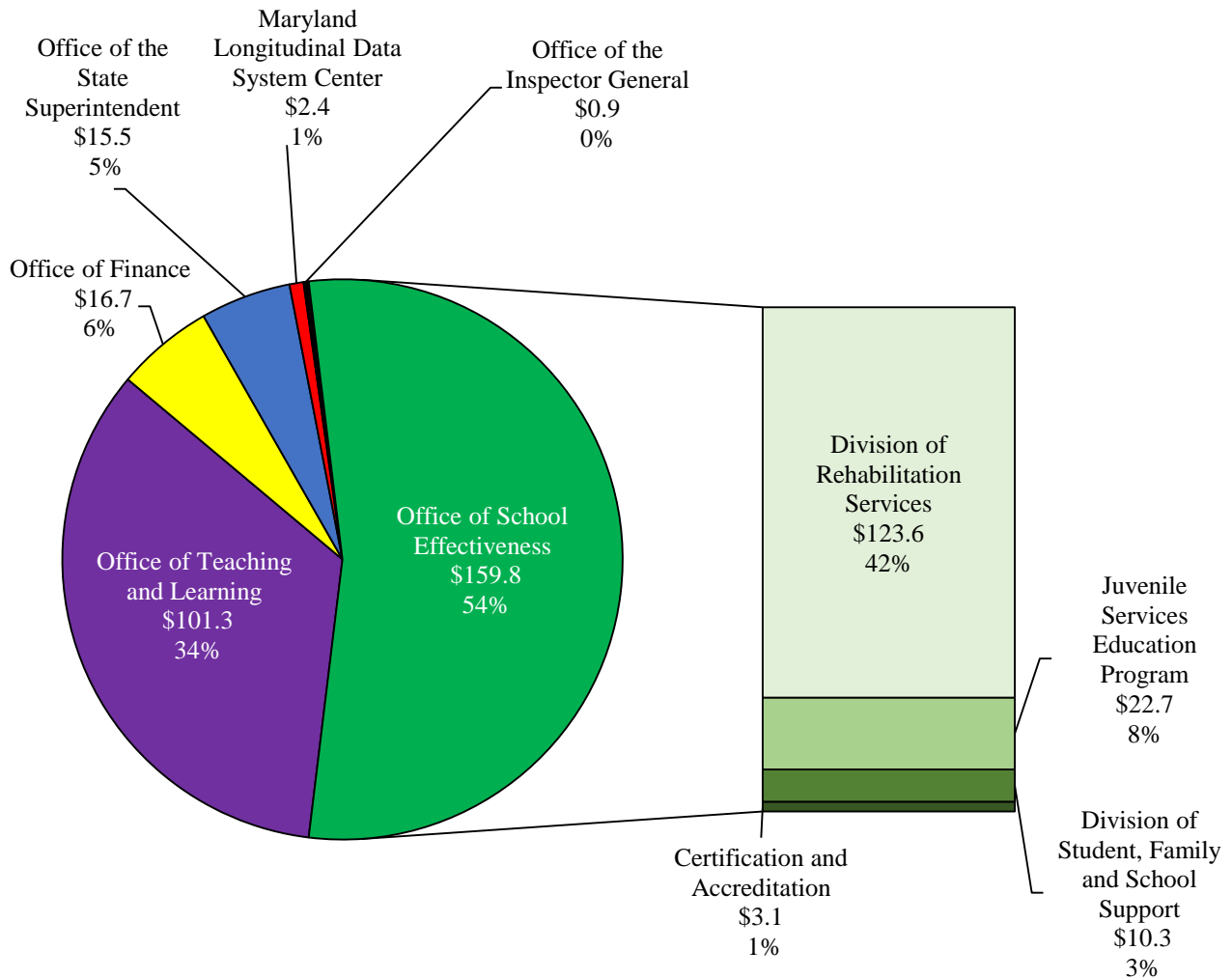
MCAP: Maryland Comprehensive Assessment Program
MLDSC: Maryland Longitudinal Data System Center

Source: Board of Public Works; Department of Legislative Services

Fiscal 2022 Overview of Agency Spending

In the fiscal 2022 proposed budget, MSDE Headquarters total allowance is \$296.5 million, excluding funding for 2021 general salary increases and fiscal 2022 annual salary review (ASR) increases. **Exhibit 6** displays an overview of agency spending by office.

Exhibit 6
Overview of Agency Spending
Fiscal 2022 Allowance
(\$ in Millions)



Source: Governor's Fiscal 2022 Budget Books

Agency Spending by Program

In the Office of School Effectiveness, the largest expenditure is \$123.6 million for DORS' five divisions. DORS Headquarters receives \$15.9 million of the total DORS budget; Client Services receives \$44.0 million; the Workforce and Technology Center receives \$10.1 million; Disability Determination Services receives \$43.9 million; and Blindness and Vision Services receives \$9.9 million. In the JSES budget, \$18.1 million is allocated for personnel, with the remainder primarily allocated for instruction and instructional supplies. In the Division of Student, Family, and School Support, \$2.9 million is allocated for personnel; \$2.2 million is allocated for grants; and \$2.3 million is allocated for educational training. In the Division of Certification and Accreditation, \$2.3 million is allocated for personnel, with the remaining funds allocated for contractual services and other expenses.

In the Office of Teaching and Learning, the largest expenditure is in the Division of Accountability and Assessment, which receives \$63.0 million in fiscal 2022. The majority of these funds, \$47.5 million, are allocated to contractual services related to statewide standardized testing. Out of the remaining divisions in this office, Early Intervention and Special Education receives \$12.6 million; IT receives \$11.8 million; Curriculum, Instructional Improvement, and Professional Development receives \$9.3 million; and Career and College Readiness receives \$4.9 million.

The Office of Finance's budget includes the Office of School and Community Nutrition, which receives \$10.1 million in this budget, and the Division of Business Services, which receives \$6.6 million. Remaining program budgets are displayed in Exhibit 6.

Proposed Budget Change

In fiscal 2022, the MSDE Headquarters allowance increases by \$16.4 million after accounting for adjusted salary increases for fiscal 2021 and 2022. **Exhibit 7** shows the proposed fiscal 2022 budget and changes from fiscal 2021.

Exhibit 7
Proposed Budget
Maryland State Department of Education Headquarters
(\$ in Thousands)

How Much It Grows:	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimbursable Fund</u>	<u>Total</u>
Fiscal 2020 Actual	\$93,121	\$6,872	\$129,889	\$2,965	\$232,846
Fiscal 2021 Working Appropriation	95,343	10,532	173,283	3,426	282,585
Fiscal 2022 Allowance	<u>101,694</u>	<u>10,550</u>	<u>183,313</u>	<u>3,461</u>	<u>299,019</u>
Fiscal 2021-2022 Amount Change	\$6,351	\$17	\$10,030	\$35	\$16,434
Fiscal 2021-2022 Percent Change	6.7%	0.2%	5.8%	1.0%	5.8%

Where It Goes:	<u>Change</u>
Personnel Expenses	
Turnover adjustment.....	\$1,385
Annualized fiscal 2021 general salary increase.....	1,063
Fiscal 2022 annual salary review for fiscal series and principals/assistant principals	493
Unemployment compensation	231
Health insurance	57
Other personnel expenses.....	12
Social Security.....	-5
Regular earnings.....	-34
Reclassifications	-54
Employee retirement	-165
Workers compensation	-216
Abolished/transferred positions.....	-687
Contractual Services	
Federal funds for Child Care Systems Modernization Major IT Project.....	9,000
Restore reduction taken in July 2020 Board of Public Works cuts for MCAP	4,744
Outside consultant to manage agency software applications	1,000
Department of Information Technology services.....	619
Administrative hearings for the Office of the State Superintendent.....	576
Office of the Attorney General administrative fees.....	7
Retirement administrative fees	-15
Statewide personnel system allocation	-33
Deficiency allocation in fiscal 2021	-1,600

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Where It Goes:	<u>Change</u>
Other Expenses and Savings	
Rent paid to the Department of General Services	145
Additional savings	-10
Reductions to the budget of the Office of Compliance and Monitoring	-79
Total	\$16,434

IT: information technology

MCAP: Maryland Comprehensive Assessment Program

Note: Numbers may not sum to total due to rounding. The fiscal 2021 appropriation includes deficiencies, planned reversions, and a general salary increase. The fiscal 2022 allowance includes contingent reductions and annualization of the fiscal 2021 general salary increase.

In the fiscal 2022 allowance, personnel expenditures increase overall by \$2.0 million, including \$1.6 million in personnel adjustments for annualizing the fiscal 2021 general salary increase and providing ASR increases for fiscal staff and principals/assistant principals in fiscal 2022. A \$1.4 million increase due to lower turnover expectancy is offset by a \$687,000 decrease in personnel expenses due to 9 positions abolished in the allowance.

MSDE's largest increase is federal funds for the Child Care Automated Tracking System Child Care Systems Modernization IT project. This project is budgeted in MSDE Headquarters; discussion of this project is in the Early Childhood budget analysis (R00A99). Other federal fund expenditure increases for contractual services include \$320,000 for administrative hearings and \$100,000 on Department of Information Technology (DoIT) services. Other general fund expenditures for contractual services include \$1.0 million for software application management, \$505,667 for DoIT, and \$183,671 for administrative hearings. The largest decrease is \$1.6 million for a one-time contract for the Office of the State Superintendent due to ongoing litigation related to the *Bradford v. State Board of Education* lawsuit, which is a deficiency appropriation provided for fiscal 2021. Other decreases include \$15,000 for retirement administrative fees and \$33,000 for statewide personnel allocation.

MSDE Receives Funds for MCAP

The federal Every Student Succeeds Act of 2015 requires that every State administer annual, summative assessments to all students in (1) English language arts/literacy and mathematics in grades 3 through 8 and high school; (2) science in each grade span (grades 3 to 5, grades 6 to 8, and high school); and (3) English language proficiency assessments in grades K-12 for all English Language Learners (ELL). In 2018, MSDE announced the transition from the Partnership for Assessment of Readiness for College and Careers to MCAP. According to MSDE, this change was necessary so that State assessments were more reflective of the Maryland content standards and instruction. Development of MCAP began in January 2019 with pilot testing in December 2019 and initial administration planned for spring 2020.

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As part of the BPW cuts in July 2020, a contract for MCAP assessments in fiscal 2021 was reduced by \$4.7 million out of a \$33.2 million working appropriation for this program, for a total allocation of \$28.5 million. The reason given for this reduction was that savings were associated with reduced costs for MCAP administration due to COVID-19-related school closures in spring 2020. The fiscal 2022 budget restores this \$4.7 million reduction from fiscal 2021 to provide this program with a current allocation of \$33.2 million. MSDE anticipates administration of MCAP in spring 2021 despite continued school closures due to COVID-19.

DLS recommends to the budget committees that MSDE report on (1) MCAP administration for the 2020-2021 school year; (2) anticipated additional costs or savings from fiscal 2021 through 2024; (3) an updated timetable for statewide test administration for all MCAP tests; and (4) plans, if any, to modify tests to accommodate student learning loss and missed test administration.

Personnel Data

	<u>FY 20</u> <u>Actual</u>	<u>FY 21</u> <u>Working</u>	<u>FY 22</u> <u>Allowance</u>	<u>FY 21-22</u> <u>Change</u>
Regular Positions	1,216.90	1,197.90	1,187.90	-10.00
Contractual FTEs	<u>182.00</u>	<u>119.49</u>	<u>120.49</u>	<u>1.00</u>
Total Personnel	1,398.90	1,317.39	1,308.39	-9.00

Vacancy Data: Regular Positions

Turnover and Necessary Vacancies, Excluding New Positions	101.21	8.52%
Positions and Percentage Vacant as of 12/31/20	171.80	14.34%
Vacancies Above Turnover	63.59	

Note: This chart as shown has a regular position reduction from fiscal 2021 to 2022 of 10 positions. However, upon review of these data and consultation with the Department of Budget and Management, it was determined that the regular position reduction in this budget is 9 regular positions, which would mean a total personnel reduction of 8.00 positions from fiscal 2021 to fiscal 2022.

- The agency had two rounds of personnel cuts between fiscal 2021 and 2022. In the July 2020 BPW cuts, regular positions decreased by 10. Then, between fiscal 2021 and 2022, the agency cut an additional 9 regular positions. Contractual positions increased between fiscal 2021 and 2022 by 1.0 position.
- The agency has 172 vacancies, or approximately 14% of its total personnel complement.
- For fiscal 2022, MSDE reallocates positions among its various programs. The Office of the State Superintendent decreases by 13 positions; JSES decreases by 3 positions; DORS decreases by 3 positions; and the Division of Assessment and Accountability decreases by 1 position. In this exchange, the Division of Career and College Readiness increases by 10 positions.
- Despite the budgeted turnover rate increasing to 8.52% in the fiscal 2022 allowance, vacancies above turnover equate to almost 64 positions. Most of the vacancies for positions supported by general funds (19 of 35) are in JSES.

Issues

1. COVID-19 Pandemic Closes Public Schools

In keeping with the Governor’s executive order to stop the spread of COVID-19, in March 2020, the State Superintendent of Schools ordered all 24 LSS to move from in-person to remote learning. Although MSDE required all LSS to submit recovery plans in August 2020 that included a return to hybrid or in-person instruction for the upcoming school year, due to continued high numbers of COVID-19 cases across all Maryland jurisdictions, LSS have struggled to return to in-person learning.

Discussion of the impact of COVID-19 on child care and pre-kindergarten can be found in the MSDE Early Childhood Development (R00A99) analysis.

MSDE Distributes Coronavirus Aid, Relief, and Economic Security Act Funds

In order to help states combat COVID-19, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act in March 2020. The CARES Act allocated \$330 billion in stimulus funds to states and local governments for newly authorized programs and supplemental funding and reimbursement for certain emergency management and health care expenses. The CARES Act divides these funds into multiple sources, three of which applied to K-12 education in Maryland: the Elementary and Secondary School Emergency Relief (ESSER) Fund; the Coronavirus Relief Fund (CRF); and the Governor’s Emergency Education Relief (GEER) Fund. These three sources were subsequently divided by the State and MSDE into multiple, separate grants totaling \$453.5 million. Although these distributions are discussed as part of the MSDE Headquarters analysis, funds passed through the Aid to Education, Innovative Programs (R00A02.13) budget. To date, these grants were distributed as follows:

- \$187 million distributed to LSS and the SEED School from the ESSER Fund for COVID-19 related costs using 2019 Title I-A percentages;
- \$100 million distributed from the CRF to LSS and the SEED school for technology grants using 2019 enrollment;
- \$100 million distributed from the CRF to LSS and the SEED School for tutoring using fiscal 2019 Title I-A;
- \$15 million distributed from the GEER Fund to the Department of Housing and Community Development (DHCD) for rural and urban broadband and a regional wireless education network;
- \$10.8 million from the ESSER Fund for MSDE administrative costs;

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- \$10 million distributed from the CRF to LSS by DHCD for rural and urban broadband;
- \$10.0 million distributed from the ESSER Fund to LSS, the SEED School, the Maryland School for the Deaf (MSD), and MSB, for costs related to school reopening;
- \$10.0 million distributed from the GEER Fund to LSS for technology grants using 2019 enrollment adjusted for at-risk students;
- \$10.0 million from GEER Fund for Competitive Innovative Grants for educational institutions with innovative approaches to addressing the COVID-19 pandemic;
- \$430,422 for MSD and \$227,568 for MSD from the GEER Fund.

Exhibit 8 displays this distribution of the pass through funding by source, recipient, use, and amount.

Exhibit 8
CARES Fund Distribution
Calendar 2020

<u>Source</u>	<u>Recipient</u>	<u>Use</u>	<u>Amount</u>
ESSER	LSS and SEED	COVID-19 Expenses	\$187,000,000
CRF	LSS and SEED	Technology	100,000,000
CRF	LSS and SEED	Tutoring	100,000,000
GEER	DHCD	Rural Broadband/Wireless	15,000,000
		Education Network	
ESSER	MSDE	Discretionary	10,800,000
CRF	LSS	Rural or Urban Broadband	10,000,000
ESSER	LSS, SEED, MSD and MSB	School Reopening	10,000,000
GEER	LSS	Technology	10,000,000
GEER	LSS	Competitive Innovation Grants	10,000,000
GEER	MSD and MSB	COVID-19 Expenses	657,900
Total			\$453,457,900

CARES: Coronavirus Aid, Relief, and Economic Security

CRF: Coronavirus Relief Fund

ESSER: Elementary and Secondary School Emergency Relief

DHCD: Department of Housing and Community Development

GEER: Governor's Emergency Education Relief

LSS: Local School System

MSB: Maryland School for the Blind

MSD: Maryland School for the Deaf

*LSS must distribute a portion of their ESSER funds to nonpublic schools based on U.S. Department of Education's binding guidance on equitable distribution. The Maryland State Department of Education retained 10% for future distribution.

Source: Maryland State Department of Education; Department of Legislative Services

The Governor also recently announced that MSD receives \$479,084, and MSB receives \$253,354, in the next round of GEER funding (GEER II).

DLS recommends to the budget committees that MSDE report on the following CARES Fund distributions:

- **\$10.8 in discretionary funds for MSDE administrative costs from the ESSER Fund;**
- **\$10.0 million distributed to LSS, the SEED School, MSD, and MSB, for costs related to school reopening from the ESSER Fund;**
- **\$10 million distributed by DHCD to LSS for rural and urban broadband; and**
- **\$10.0 million in Competitive Innovative Grants for educational institutions with innovative approaches to addressing the COVID-19 pandemic from the GEER Fund.**

CARES Act Funds for Rural and Urban Broadband Intended to Close Digital Divide

Part of the CARES Act fund distribution includes \$10 million in GEER Fund grants for LSS technology. This grant is administrated by DHCD and, to date, has distributed over \$8 million to 22 of 24 LSS. Prior to the pandemic, 100% of State K-12 public schools had Internet access in school buildings. However, with school closures due to COVID-19, students and teachers needed Internet access at home, which requires either a connection with an Internet Service Provider, such as Comcast or Verizon, or portable wireless device. Although LSS with digital device initiatives may have been aware of local connectivity issues associated with remote learning for students without Internet at home prior to the pandemic, LSS without these initiatives may not have had an accurate count of students and teachers lacking Internet service at home. As a result, LSS arranged for extended wireless at schools and, when possible, sent home individual wireless devices.

To solve connectivity problems at the State level, the Governor provided \$15 million in GEER funds to construct a statewide broadband network for education, which is in DHCD's budget as reimbursable funds from MSDE in fiscal 2021. DHCD awarded the funds to Collaborative Solutions Maryland (CSM), a nonprofit organization started by the University System of Maryland's Maryland Research and Education Network. CSM will construct the network and operate it in collaboration with local school districts. Although a project schedule has yet to be determined through the upcoming feasibility study, DHCD estimates that construction of the network will begin in spring 2021, with some counties online in the summer and the remaining operational by the end of calendar 2021.

Participating local school districts will need to cover the operational costs of the network once constructed. These costs are still unknown because the feasibility study is not yet completed, and as a result, it is also unknown which school districts will choose to participate. The feasibility study will also provide a better idea of the project budget for design and construction. To the extent that these

costs are less than \$15 million, DHCD advises that the remaining funding will either be used to support the start-up costs for the school districts or to expand the network to support unserved students in urban areas. For more information on this issue see the DHCD analysis (S00A).

MSDE Digital Learning Stakeholder Committee Provides Remote Learning Guidance

Chapter 290 of 2012 established the Maryland Advisory Council for Virtual Learning to address the needs of virtual and digital learning in the State. Operating under Section 7-10B-02 of the Education Article, this council met multiple times from 2013 to 2015 and focused primarily on establishing virtual courses for educator professional development. As of 2015, the Digital Learning Stakeholder Committee has continued this work, which focused primarily on asynchronous (not in real-time) online professional development for teachers and limited online courses for home and hospital, career and technology education, and juvenile education students.

Following the school closures due to COVID-19, in May 2020, MSDE issued *Maryland Together: Maryland's Recovery Plan for Education*, which contained suggestions on how LSS might best facilitate remote learning, reopen schools safely, and facilitate hybrid (a mix of remote and in-person) learning. In addition to this guidance, the Digital Learning Stakeholders Committee met several times under the direction of the Deputy State Superintendent for Teaching and Learning to provide LSS information and guidance on this emergent and important topic, including discussion of a State learning management system, a regional learning consortium, virtual courses for students, and expansion of online offerings for teacher professional development

Due to the importance of this topic, DLS recommends to the budget committees that the Digital Learning Stakeholders Committee submit a report on its work in response to the COVID-19 pandemic. The report should focus on remote learning challenges and remedies for teachers and students, including but not limited to (1) meeting schedule and updated list of committee members; (2) development and access to virtual professional development courses, particularly on remote learning, for teachers; (3) State learning management system budget, procurement, and deployment; (4) regional learning consortiums; (5) progress on virtual courses for career and technical education, juvenile services education, home and hospital and medically fragile, special education, ELL, and other vulnerable populations; and (6) future plans and budget, if any, for a State virtual school or other coordinated curriculum leading to a high school certificate or diploma.

Federal Consolidated Appropriations Act Provides Additional COVID-19 Relief Funds

In January, MSDE announced an additional \$780 million in relief funds for LSS and the SEED school through the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act. These funds will be distributed through the second round of the ESSER Act (ESSER II) based on the proportion that each State received under Title I, Part A of the Elementary and Secondary Education Act of 1965 in the most recent fiscal year. These awards are intended assist LSS with school reopening,

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address learning loss, and mitigate the impact of COVID-19 on public school students and their families. Additional discussion of CARES and CRRSA fund distribution to LSS can be found in the Aid to Education (R00A02) analysis.

Operating Budget Recommended Actions

1. Adopt the following narrative:

Status Report on Maryland Comprehensive Assessment Program: In 2018, the Maryland State Department of Education (MSDE) announced the transition from the Partnership for Assessment of Readiness for College and Careers to the Maryland Comprehensive Assessment Program (MCAP). However due to COVID-19 school closures, the State could not give required assessments in spring 2020. To reflect this absence, July 2020 Board of Public Works cuts reduced MSDE’s budget for MCAP assessments by \$4.7 million to \$28.5 million. In the fiscal 2022 budget, MSDE again receives a total of \$33.2 million for this program, including the restoration of the \$4.7 million reduced as part of the fiscal 2021 cuts. The budget committees request that by November 1, 2021, MSDE report on:

- MCAP administration for the 2020-2021 school year;
- anticipated additional costs or savings from fiscal 2021 through 2024;
- updated timetable for statewide test administration for all MCAP tests; and
- plans, if any, to modify tests to accommodate student learning loss and missed test administration.

Information Request	Author	Due Date
Status report on MCAP	MSDE	November 1, 2021

2. Adopt the following narrative:

Report on Accounting Practices: Due to a high amount of reversions identified in a 2019 audit, in calendar 2020, the budget committees requested that Maryland State Department of Education (MSDE) submit a closeout report documenting reversions and encumbrances that did not equal zero. MSDE submitted this report in 2020, which had valuable information on budget actions. The budget committees again request that MSDE submit a closeout report for fiscal 2021 by October 1, 2021. This report should include an explanation for encumbrances and reversions for all general, special, federal, and reimbursable funds for any amount that did not equal zero.

Information Request	Author	Due Date
Report on accounting practices	MSDE	October 1, 2021

3. Adopt the following narrative:

Report on Remote Learning: In May 2020, Maryland State Department of Education (MSDE) issued *Maryland Together: Maryland’s Recovery Plan for Education*, which contained suggestions on how local school systems (LSS) might best facilitate remote learning, reopen schools safely, and facilitate hybrid (a mix of remote and in-person) learning at the local level. In addition to this guidance, the Digital Learning Stakeholders Committee met several times under the direction of the Deputy State Superintendent for Teaching and Learning to provide LSS information and guidance on this emergent and important topic, including discussion of a State learning management system, a regional learning consortium, remote courses for students, and increased offerings for virtual educator professional development. The budget committees request that MSDE report by December 1, 2021, on actions taken in calendar 2020 and 2021 to address remote learning challenges and remedies for teachers and students, including but not limited to:

- meeting schedule and updated list of committee members;
- development of, and access to, virtual professional development courses, particularly on best practices for remote learning;
- State learning management system budget, procurement, and deployment;
- regional learning consortiums;
- virtual courses for career and technical, juvenile services education, home and hospital and medically fragile, special education, English Language Learners, and other vulnerable populations; and
- future plans and budget, if any, for a State virtual school or other coordinated curriculum leading to a high school certificate or diploma.

Information Request	Author	Due Date
Report on virtual learning	MSDE	December 1, 2021

4. Adopt the following narrative:

Report on Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds: Due to school closures prompted by the COVID-19 pandemic, the Maryland State Department of Education (MSDE) received over \$400 million in federal funds through the CARES Act. Although some of these funds were distributed directly to local school systems (LSS), other programs were administrated by MSDE or address MSDE administrative costs. With this in mind, the budget committees request that MSDE report by September 1, 2021, on the following CARES Act fund distributions:

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- \$10.8 in discretionary funds for MSDE administrative costs from the Elementary and Secondary School Emergency Relief (ESSER) Fund;
- \$10.0 million in grants to LSS for rural and urban broadband in coordination with the Department of Housing and Community Development from the Coronavirus Relief Fund;
- \$10.0 million distributed to LSS, the SEED School, the Maryland School for the Deaf, and the Maryland School for the Blind, for costs related to school reopening from the ESSER Fund;
- \$10.0 million in Competitive Innovative Grants for educational institutions with innovative approaches to addressing the COVID-19 pandemic from the Governor's Emergency Education Relief Fund.

Information Request	Author	Due Date
Report on CARES Act funds	MSDE	September 1, 2021

Budget Reconciliation and Financing Act Recommended Actions

1. Add a provision to transfer \$235,000 in improperly encumbered general funds from the Maryland State Department of Education.

Updates

1. MSDE and DoIT Submit Report on Data Security Procedures

In 2019, an MSDE audit found four separate issues regarding information systems security and control. Because MSDE is responsible for the safekeeping of many types of sensitive, personally identifiable information, the budget committees requested MSDE and DoIT prepare a report on MSDE's data security procedures, including an update on its progress to remediate all findings in the audit report and account for funds expended by each agency on remediation. **Exhibit 9** shows DoIT and MSDE's progress toward remediation of these issues.

Exhibit 9
Maryland State Department of Education and
Department of Information Technology
Technology Audit Remediation
2020

<u>Problem</u>	<u>Remediation(s)</u>	<u>Remaining Actions</u>
Sensitive personally identifiable information (PII) was stored without adequate safeguards.	Remove the majority of unencrypted PII records that were not adequately protected.	Complete inventory of systems that may collect or contain PII by February 15, 2021.
Applications and sensitive student data managed by third-party contractors were not properly secured against operational and security risks.	Adopt new requirements for vendor-hosted systems. Amend existing contracts to reflect new requirements. Develop more robust internal controls to ensure data security with vendors using risk management evaluation software.	Purchase and implement new software Implement independent security reviews of vendors prior to contract award.
No information technology disaster recovery plan (DRP) for recovering computer operations.	Continue collaboration with the Department of Information Technology (DoIT) on updated DRP to address identified deficiencies and to include changes in infrastructure.	Complete DRP by June 30, 2021.
15 servers running an outdated operating system software version that was no longer supported.	Purchase an extension for security updates from Microsoft for Maryland Department of Education servers to address security issues. Coordinate upgrade of the remaining applications using outdated Windows servers. Migrate to supported operating systems. Implement DoIT vulnerability management system to ensure that all systems are scanned for missing patches and misconfigurations that could impact security.	Upgrade remaining applications by July 31, 2021. Full migration by June 30, 2021.

Source: Maryland State Department of Education; Department of Legislative Services

2. Office of the Inspector General Submits Annual Report

Education Article 9-10 establishes the Office of the Inspector General for Education. This office provides a central point for coordination of, and responsibility for, activities that promote educational accountability, integrity, and efficiency in government. In December 2020, the office submitted its required annual report. This report covers actions of the office between March 4, 2020, and December 1, 2020, and includes data on allegations by LSS or department, type, reporting method; investigative examples; civil rights violations; child abuse and neglect compliance; and goals and priorities for the agency in 2021.

One of the agency's measures indicates that they had nine categories of complaints and 40 cases during this period. Eight cases, 20%, remain open as of December 2020, and 32 cases, 80%, were closed. **Exhibit 10** displays this measure.

Exhibit 10
Open and Closed Cases by Type of Complaint
Office of the Inspector General
Calendar 2020

<u>Type of Complaint</u>	<u>Open</u>	<u>Closed</u>	<u>Total</u>
Education Concern	0	1	1
Sexual Allegation	0	1	1
Grade Changing	1	1	2
Special Education	0	2	2
Procurement	1	2	3
Ethics	2	2	4
Employment	2	4	6
Other	0	10	10
Mismanagement	2	9	11
Total	8	32	40

Source: Maryland State Department of Education, Office of the Inspector General; Department of Legislative Services

3. Replacement Educator Information System Procurement Delayed

MSDE's Certification Branch is responsible for the issuance, renewal, reinstatement, endorsement, suspension, revocation, and maintenance of educator certificates. In 2014, MSDE procured an Educator Information System for LSS that holds over 300,000 educator certification records. In 2019, MSDE determined that the system was outdated and in need of replacement and secured a contractor to maintain the legacy system while a new system was procured and built.

Following an internal review of project scope with DoIT, in August 2020, the project was reclassified as a Major Information Technology Project. Currently, the request for proposal is in the final stages of review by DoIT prior to bidding. This project is expected to cost approximately \$2.0 million.

4. **Loaned Educator Report Submitted**

Since 2016, MSDE has been required to report on the number of loaned educator contracts and conversion of these regular positions. MSDE notes that the contributions of local experience and expertise that loaned educators bring to MSDE, and, as needs arise, the agency may want to explore the future use of loaned educators while meeting the goal of limiting their involvement to special, short-term projects. As of December 1, 2020, MSDE did not engage any new loaned educator contracts. Because the agency does not anticipate educators participating in this program in the near future, DLS has terminated the reporting requirement for this program.

Appendix 1

2020 Joint Chairmen’s Report Responses from Agency

The 2020 *Joint Chairmen’s Report* (JCR) requested that Maryland Department of Education (MSDE) Headquarters prepare five reports. Electronic copies of the full JCR responses can be found on the Department of Legislative Services Library website.

- ***Improvements to Accounting Practices:*** Due to issues identified with reversions and encumbrances in a 2019 audit, the budget committees requested that MSDE provide a report on its accounting practices. This report was to include an explanation for all fiscal 2020 encumbered and reverted funds for all fund types and for any amount that does not equal zero.
- ***Transition to Maryland Comprehensive Assessment Program (MCAP):*** Due to the transition from the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments to MCAP, the budget committees requested a JCR report response. This response included MCAP costs compared to PARCC and any additional costs or savings for MCAP due to projected enrollment growth or decline. Data for this transition was provided from fiscal 2020 to 2024.
- ***Update to Data Security Procedures:*** In 2019, an MSDE audit found four separate issues regarding information systems security and control. Because MSDE is responsible for the safekeeping of many types of sensitive, personally identifiable information, the budget committees requested that MSDE and the Department of Information Technology prepare a report on MSDE’s data security procedures, including an update on their progress to remediate all findings in the audit report and account for funds expended by each agency on remediation. Further discussion of this response can be found in the Updates section of this analysis.
- ***Clarification to Organizational Chart:*** In 2019, MSDE reported that it had restructured its organization; however, MSDE’s organizational chart did not reflect this restructuring. The committees requested that MSDE provide a report that includes its organizational chart, clarifies office and division responsibilities, and elaborates on the relationship of MSDE to its independent units, including the office or offices that supervise these units.
- ***Division of Rehabilitative Services (DORS) Placements under New Criteria:*** Due to changes in the Workforce Innovation and Opportunity Act (WIOA), DORS reported a steady decline in job placements. The budget committees requested that MSDE report on the reasons for this continued decline and review this Managing for Results (MFR) performance goal in light of the WIOA changes, with changes in the MFR to start in fiscal 2022. Further discussion of this JCR report response can be found in the Performance Analysis section of this analysis.

Appendix 2
Replacement Education Information System
Major Information Technology Project
Maryland State Department of Education

New/Ongoing: Ongoing							
Start Date: 3/2/2020				Est. Completion Date: 6/30/2022			
Implementation Strategy: Agile							
(\$ in Millions)	2021	2022	2023	2024	2025	Remainder	Total
GF	\$0.000	\$1.995	\$0.000	\$0.000	\$0.000	\$0.000	\$1.995

- **Project Summary:** Maryland State Department of Education’s Certification Branch is responsible for the issuance, renewal, reinstatement, endorsement, suspension and revocation, and maintenance of educator certificates. This project is a replacement for an outdated Educator Information System that currently serves all 24 local school systems and holds over 300,000 educator records.
- **Need:** The original system was procured in 2014. Currently, this legacy system is maintained by an external contractor, whose contract expired in 2019. The system is needed to issue, renew, reinstate, endorse, suspend, revoke, and maintain educator certificates in the State.
- **Changes:** When initiated in 2019, this project was not originally considered to be a Major Information Technology Project. However, after careful review by Department of Information Technology of the deliverables, scope, and cost of the project, its status was changed.
- **Concerns:** Concerns include the implementation schedule, scope, and cost of the project. The State also maintains a legacy system while this system is under construction, which is not included as part of this cost.

Appendix 3
Object/Fund Difference Report
MSDE – Headquarters

<u>Object/Fund</u>	<u>FY 20 Actual</u>	<u>FY 21 Working Appropriation</u>	<u>FY 22 Allowance</u>	<u>FY 21 - FY 22 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	1,216.90	1,197.90	1,187.90	-10.00	-0.8%
02 Contractual	182.00	119.49	120.49	1.00	0.8%
Total Positions	1,398.90	1,317.39	1,308.39	-9.00	-0.7%
Objects					
01 Salaries and Wages	\$ 110,573,254	\$ 115,320,531	\$ 115,833,003	\$ 512,472	0.4%
02 Technical and Spec. Fees	34,131,736	52,834,804	52,838,325	3,521	0%
03 Communication	1,075,436	1,811,016	1,803,016	-8,000	-0.4%
04 Travel	1,089,892	2,197,805	2,187,058	-10,747	-0.5%
06 Fuel and Utilities	382,974	1,031,060	1,030,890	-170	0%
07 Motor Vehicles	909,108	817,032	817,032	0	0%
08 Contractual Services	60,126,846	71,984,657	87,842,289	15,857,632	22.0%
09 Supplies and Materials	2,039,320	4,044,595	4,009,924	-34,671	-0.9%
10 Equipment – Replacement	1,180,424	1,414,955	1,414,955	0	0%
11 Equipment – Additional	296,991	4,781,145	4,741,145	-40,000	-0.8%
12 Grants, Subsidies, and Contributions	14,482,812	17,285,187	17,285,187	0	0%
13 Fixed Charges	5,784,913	5,665,843	5,811,138	145,295	2.6%
14 Land and Structures	772,688	891,000	891,000	0	0%
Total Objects	\$ 232,846,394	\$ 280,079,630	\$ 296,504,962	\$ 16,425,332	5.9%
Funds					
01 General Fund	\$ 93,120,521	\$ 93,427,412	\$ 100,650,803	\$ 7,223,391	7.7%
03 Special Fund	6,871,543	10,506,837	10,489,266	-17,571	-0.2%
05 Federal Fund	129,889,471	172,718,943	181,939,263	9,220,320	5.3%
09 Reimbursable Fund	2,964,859	3,426,438	3,425,630	-808	0%
Total Funds	\$ 232,846,394	\$ 280,079,630	\$ 296,504,962	\$ 16,425,332	5.9%

Note: The fiscal 2021 appropriation does not include deficiencies, targeted revenues, or across-the-board reductions. The fiscal 2022 allowance does not include contingent reductions or cost-of-living adjustments.

Appendix 4
Fiscal Summary
MSDE – Headquarters

<u>Program/Unit</u>	<u>FY 20 Actual</u>	<u>FY 21 Wrk Approp</u>	<u>FY 22 Allowance</u>	<u>Change</u>	<u>FY 21 - FY 22 % Change</u>
01 Office of the State Superintendent	\$ 14,594,625	\$ 16,367,855	\$ 15,489,453	-\$ 878,402	-5.4%
02 Division of Business Services	6,095,631	6,449,782	6,577,651	127,869	2.0%
04 Division of Accountability, Assessment and Data	46,233,013	49,002,894	53,651,006	4,648,112	9.5%
05 Office of Information Technology	9,410,419	10,213,477	11,805,396	1,591,919	15.6%
06 Major Information Technology Development Projects	192,000	0	9,000,000	9,000,000	0%
07 Office of School and Community Nutrition Programs	4,497,087	10,132,114	10,130,417	-1,697	0%
11 Division of Instruction	8,290,969	9,319,578	9,344,736	25,158	0.3%
12 Division of Student, Family and School Support	5,320,362	10,155,584	10,268,319	112,735	1.1%
13 Div. of Special Educ./Early Intervention Svcs	11,354,729	12,482,863	12,559,719	76,856	0.6%
14 Division of Career and College Readiness	2,729,947	3,581,462	4,988,599	1,407,137	39.3%
15 Juvenile Services Education Program	21,326,758	22,385,637	22,672,328	286,691	1.3%
18 Division of Certification and Accreditation	2,994,002	3,070,062	3,083,678	13,616	0.4%
20 Div. of Rehab Services - Headquarters	11,755,519	15,866,768	15,861,940	-4,828	0%
21 Div. of Rehab Services - Client Services	39,113,671	43,922,134	43,964,659	42,525	0.1%
22 Div. of Rehab Services - Workforce and Tech. Ctr.	9,081,653	9,968,297	10,084,702	116,405	1.2%
23 Div. of Rehab Serv - Disability Determination Serv	28,505,021	44,081,201	43,882,471	-198,730	-0.5%
24 Div. of Rehab. Serv. – Blindness & Vision Services	8,107,555	9,964,783	9,855,594	-109,189	-1.1%
01 Maryland Longitudinal Data Systems Center	3,243,433	2,434,037	2,399,062	-34,975	-1.4%
01 Inspector General's Office	0	681,102	885,232	204,130	30.0%
Total Expenditures	\$ 232,846,394	\$ 280,079,630	\$ 296,504,962	\$ 16,425,332	5.9%
General Fund	\$ 93,120,521	\$ 93,427,412	\$ 100,650,803	\$ 7,223,391	7.7%
Special Fund	6,871,543	10,506,837	10,489,266	-17,571	-0.2%
Federal Fund	129,889,471	172,718,943	181,939,263	9,220,320	5.3%
Total Appropriations	\$ 229,881,535	\$ 276,653,192	\$ 293,079,332	\$ 16,426,140	5.9%
Reimbursable Fund	\$ 2,964,859	\$ 3,426,438	\$ 3,425,630	-\$ 808	0%
Total Funds	\$ 232,846,394	\$ 280,079,630	\$ 296,504,962	\$ 16,425,332	5.9%

Note: The fiscal 2021 appropriation does not include deficiencies, targeted revenues, or across-the-board reductions. The fiscal 2022 allowance does not include contingent reductions or cost-of-living adjustments.